

AN ACT

relating to notice required in connection with possessory liens on motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (h), Section 70.006, Property Code, are amended to read as follows:

(a) A holder of a lien under this subchapter or Chapter 59 on a motor vehicle subject to Chapter 501, Transportation Code, or on a motorboat, vessel, or outboard motor for which a certificate of title is required under Subchapter B, Chapter 31, Parks and Wildlife Code, as amended, who retains possession of the motor vehicle, motorboat, vessel, or outboard motor shall~~[, not later than the 30th day after the date on which the charges accrue,~~ give written notice to the owner and each holder of a lien recorded on the certificate of title. Not later than the 30th day after the date on which the charges accrue, a [A] holder of a possessory lien on a motor vehicle under Section 70.001, other than a person licensed as a franchised dealer under Chapter 2301, Occupations Code, shall file a copy of the notice and all information required by this section with the county tax assessor-collector's office in the county in which the repairs were made with an administrative fee of \$25 payable to the county tax assessor-collector. If the motor vehicle, motorboat, vessel, or outboard motor is registered outside this state, the holder of a lien under this subchapter who retains

possession during that period shall give notice to the last known registered owner and each lienholder of record.

(h) Not later than the 15th business ~~[10th]~~ day after the date the county tax assessor-collector receives notice under this section, the county tax assessor-collector shall provide a copy of the notice to the owner of the motor vehicle and each holder of a lien recorded on the certificate of title of the motor vehicle. Except as provided by this subsection, the county tax assessor-collector shall provide the notice required by this section in the same manner as a holder of a lien is required to provide a notice under this section, except that the county tax assessor-collector is not required to use certified mail. Notice under this section is required regardless of the date on which the charges on which the possessory lien is based accrued.

SECTION 2. (a) Subsection (a), Section 70.006, Property Code, as amended by this Act, applies only to charges that accrue on or after the effective date of this Act. Charges that accrue before the effective date of this Act are governed by the law applicable to the charges immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Subsection (h), Section 70.006, Property Code, as amended by this Act, applies only to notice received by a county tax assessor-collector on or after the effective date of this Act. Notice received by a county tax assessor-collector before the effective date of this Act is governed by the law in effect at the time notice was received, and that law is continued in effect for that purpose.

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S.B. No. 266

1 SECTION 3. This Act takes effect September 1, 2011._____

David Newkumst
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 266 passed the Senate on April 18, 2011, by the following vote: Yeas 31, Nays 0._____

Patsey Saw
Secretary of the Senate

I hereby certify that S.B. No. 266 passed the House on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting._____

Robert Hamey
Chief Clerk of the House

Approved:

17 JUN '11
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4 pm O'CLOCK
JUN 17 2011
Don Edwards
Secretary of State